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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JUDAH CAVINESS,

Defendant and Appellant.

D055285

(Super. Ct. No. SCD 218711)

APPEAL from a judgment of the Superior Court of San Diego County, David J. Danielsens, Judge. Affirmed.

Judah Caviness entered a negotiated guilty plea to inflicting corporal injury on a cohabitant (Pen. Code, § 273.5, subd. (a)) and driving under the influence of alcohol (Veh. Code, § 23152, subd. (a)) with three prior driving under the influence convictions (Veh. Code, § 23550, subd. (a)) and admitted a strike (Pen. Code, § 667 subds. (b)-(i)). The court denied Caviness's motion to dismiss the strike and sentenced him to seven years four months in prison: six years (the three-year middle term, doubled) for inflicting

corporal injury and 16 months (one-third the middle term, doubled) for driving under the influence with prior convictions. Caviness appeals. We affirm.

BACKGROUND

Caviness unlawfully used force against his live-in girlfriend, resulting in a traumatic condition. He drove under the influence of alcohol and had three prior driving under the influence convictions within the past 10 years.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel lists, as possible but not arguable issues, (1) whether the court abused its discretion by failing to dismiss the strike; (2) whether the court abused its discretion by imposing the lid of its indicated sentence; and (3) whether the record shows that Caviness was led to believe he would receive a lower sentence than the one he received, and if so, whether this issue can be raised without a certificate of probable cause.

We granted Caviness permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues listed pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issues. Caviness has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

NARES, J.

IRION, J.